

CHAPTER 10 MIXED USE DIPLOMATIC OVERLAY DISTRICT AND CHANCERY USES

Section

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1000 GENERAL PROVISIONS

- 1000.1 The Mixed Use Diplomatic (D) Overlay District is established to implement the Foreign Missions Act, approved August 24, 1982 (96 Stat. 282, as amended; D.C. Official Code §§ 6-1301 to 6-1315 (formerly codified at D.C. Code §§ 5-1201 to 5-1215 (1994 Repl.))).
- 1000.2 The D Overlay District shall be mapped at suitable locations in implementation of the Foreign Missions Act and the Foreign Missions and International Organizations element of the Comprehensive Plan.
- 1000.3 The D Overlay District shall be mapped in combination with another district and not instead of the underlying district.
- 1000.4 All uses, buildings, and structures permitted in accordance with this chapter, and the appropriate regulations of the underlying district with which the mapped D Overlay District is combined, shall be permitted in the combined districts.
- 1000.5 All restrictions and prohibitions provided with respect to either of the districts combined in accordance with this chapter shall also apply, except as specifically modified by this chapter.
- 1000.6 The criteria and procedures in this chapter also apply to chancery uses in R-5-D, R-5-E, and SP Districts.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.))), and § 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283, 286; D.C. Official Code § 6-1306 (formerly codified at D.C. Code § 5-1206 (1994 Repl.))).

SOURCE: Final Rulemaking published at 30 DCR 3270, 3272 (July 1, 1983); as amended by Final Rulemaking published at 41 DCR 6623 (September 30, 1994); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8436 (October 20, 2000).

1001 CHANCERY USE CRITERIA

- 1001.1 A chancery shall be a permitted use in a D Overlay District, subject to disapproval by the Board of Zoning Adjustment, based on the criteria in this section.
- 1001.2 The Board shall consider the international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation' s Capital.
- 1001.3 The Board shall consider historic preservation, as determined by the Board in carrying out this section.
- 1001.4 To ensure compatibility with historic landmarks and historic districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
- 1001.5 The Board shall consider the adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the United States Secretary of State, after consultation with federal agencies authorized to perform protective services.
- 1001.6 The Board shall consider the extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
- 1001.7 The Board shall consider the municipal interest, as determined by the Mayor.
- 1001.8 The Board shall consider the federal interest, as determined by the Secretary of State.

SOURCE: Final Rulemaking published at 30 DCR 3270, 3272 (July 1, 1983); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8437 (October 20, 2000).

1002 BOARD OF ZONING ADJUSTMENT REVIEW

- 1002.1 To locate, replace, or expand a chancery in an R-5-D, R-5-E, or SP District or in the D Overlay District, or to reconstruct an existing chancery that is destroyed in an R-1, R-2, R-3, R-4, R-5-A, R-5-B, or R-5-C District, application shall be made to the Board of Zoning Adjustment.

- 1002.2 An application submitted in accordance with § 1002.1 shall be reviewed by the Board in accordance with this section and with the applicable requirements of the Board of Zoning Adjustment Rules of Practice and Procedure, chapter 31 of this title.
- 1002.3 The consideration of an application submitted under this section shall be considered a rulemaking proceeding.
- 1002.4 Any determination by the Board shall be based solely on the criteria in § 1001.
- 1002.5 The Board shall refer each application to the Mayor for review and comment. The Board shall specifically request a determination by the Mayor as to the municipal interest, as set forth in § 1001.7.
- 1002.6 The Board shall refer each application to the United States Secretary of State for review and comment. The Board shall specifically request a determination by the Secretary of State as to the federal interest, as set forth in § 1001.8; special security requirements, as set forth in § 1001.5; and the extent to which the area is capable of being adequately protected, as set forth in § 1001.6.
- 1002.7 When a chancery is located in an historic landmark or historic district and the use requires review and processing of new construction, demolition, or alteration pursuant to the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.))), the application shall be referred to the Historic Preservation Review Board, or the Commission of Fine Arts if required by D.C. Law 2-144, for report and recommendation to the Board of Zoning Adjustment.
- 1002.8 The Board of Zoning Adjustment shall make the final determination as to substantial compliance with D.C. Law 2-144 and the federal regulations governing historic preservation.
- 1002.9 The applicant shall submit sufficiently detailed plans to facilitate review by the Board of any proposed new construction, demolition, or alteration.

- 1002.10 A final determination on an application to locate, replace, or expand a chancery shall be made not later than six (6) months after the date of the filing of the application.

SOURCE: Final Rulemaking published at 30 DCR 3270, 3273 (July 1, 1983); as amended by: Final Rulemaking published at 36 DCR 6789, 6890 (September 22, 1989); Final Rulemaking published at 41 DCR 6623 (September 30, 1994); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8437-38 (October 20, 2000).